

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CT-3140-D

CLEVELAND HENDRICKS,)
)
Plaintiff,)
)
v.)
)
KENNETH LASSITER, et al.,)
)
Defendants.)


ORDER

On April 6, 2018, Cleveland Hendricks (“Hendricks” or “plaintiff”) filed an amended complaint alleging violations of 42 U.S.C. § 1983 [D.E. 15]. On November 21, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”), recommended dismissal of Hendricks’s claims against defendant Kenneth Lassiter, and directed the clerk to continue management of Hendricks’s remaining claims [D.E. 17]. Hendricks did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 17].

In sum, the court adopts the conclusions in the M&R [D.E. 17] and DISMISSES Hendricks's claims against Lassiter. Hendricks may proceed with his excessive force claims against defendants Giennelli Bailey, Lamar Brown, Joseph Copeland, Ricky Joyner, Terrell Pollock, Dajuan Roberson, Decorius Scarboro, and Juan Villalvazo. The clerk of court is DIRECTED to proceed in accordance with standing order 14-SO-02, which governs service of process in state prisoner civil rights cases. If necessary, the court DIRECTS the United States Marshal Service to make service pursuant to 28 U.S.C. § 1915(d). The clerk of court is further DIRECTED to proceed in accordance with standing order 17-SO-03 governing appointment of North Carolina Prisoner Legal Services, Inc. to assist in discovery.

SO ORDERED. This 4 day of April 2019.


JAMES C. DEVER III
United States District Judge